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IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-652

ANTHONY FRANCIS CATERINE, JR.,
Petitioner,

versus

UNITED STATES OF AMERICA,
Respondent.

PETITION FOR REHEARING

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TO THE HONORABLE SUPREME COURT OF THE UNITED STATES:

ANTHONY F. CATERINE, the Petitioner in this proceeding, respectfully petitions for rehearing of the order of the Court entered on February 23, 1976, denying the petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. This petition is made on the following grounds:

1. WHETHER 15 U.S.C. §1644 (1970) IS SO VAGUE AND INDEFINITE AS TO BE VOID FOR UNCERTAINTY UNDER THE UNITED STATES CONSTITUTION, ARTICLE I, SECTION 9, FIFTH AMENDMENT, DUE PROCESS CLAUSE.

2. WHETHER THE TERM "TRANSACTION" AS USED IN 15 U.S.C. §1644 (1970) HAS BEEN EXPANDED BEYOND ITS CORRECT MEANING BY JUDICIAL ACTION AS TO INVALIDATE THE CONVICTION OF THE DEFENDANT UNDER THE UNITED STATES CONSTITUTION, ARTICLE I, SECTION 9, CLAUSE 3, AND FIFTH AMENDMENT, DUE PROCESS CLAUSE.

Title 15 U.S.C. §1644 was enacted October 26, 1970 and was amended effective October 28, 1974. The text of the amendment is set out in Appendix IV of the Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit. So far as counsel for the Petitioner has been able to determine, this is the first occasion that either the original statute or the amended statute has been presented to the Supreme Court for construction.

For the reasons set forth, Anthony F. Caterine, Petitioner, prays the Court to set aside the order denying the petition for writ of certiorari and grant this Petition for Rehearing.

Respectfully submitted,

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ATTORNEYS FOR PETITIONER,
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CERTIFICATE OF COUNSEL

I certify that the foregoing petition is presented in good faith and not for delay and is restricted to the grounds specified in Paragraph 2, Rule 58, Rules of the Supreme Court.

ARTHUR MITCHELL

CERTIFICATE OF SERVICE

I hereby certify that three copies of the above Petition for Rehearing have been served upon Hon. Robert H. Bork, The Solicitor General, Department of Justice, Room 5612, Washington, D.C. 20543 and Harold Jaquet, U.S. Attorney's Office, 1100 Commerce St., Dallas, Texas 75202, postage prepaid, this ____ day of March, 1976.

ARTHUR MITCHELL